UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,076	10/24/2001	Wenjun Luo	3COM2257-2	6227

				EXAMINER
22470	7590	04/26/2005		CHANKONG, DOHM

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ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/890,076	LUO ET AL.
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 January 2005_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _22 and 24-45_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _22 and 24-45_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04) Office Action Summary Part of Paper No./Mail Date 3

DETAILED ACTION

1> Applicant's amendment and remarks have been received. Claims 1-21 and 23 have been

cancelled. Claim 45 has been added. Claims 22 and 23-45 are presented for further

examination.

Response to Arguments

2> Applicant's arguments, see page 8, filed 1.20.2005, with respect to the rejection(s)of

claim(s) 22-38 under 35 U.S.C § 102(e) and 103(a) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of new combination of

previously presented prior art.

3> Applicant's arguments filed 1.20.2005 with regard to claims 39, and 42-44 have been

fully considered but they are not persuasive. Applicant is arguing in substance that Ortony is

deficient as a teaching because he fails to disclose a portable computing platform that is

lacking in Frese's system.

However, Ortony's system is clearly directed towards accessing services from a server

using a handheld or wireless device [Figure 2 «item 50»]. The referenced sections in Ortony

also clearly discloses that the personal device is a handheld and includes means for wirelessly

connecting to a local area server [column 4 «lines 13-23»]. Examiner is unsure of Applicant's

definition of the term "portable", but Ortony's handheld wireless network service device is

interpreted as being a "portable" computing platform. The benefits of implementing Frese's

computer as a wireless computer are well known in the art; Frese further allows for the

possibility of implementing his system with a variety of computing devices [column 6 «lines

65-66»]. Since Ortony's handheld device is directed towards executing applications (services)

similar to Frese's services, Ortony can be reasonably combined with Frese to provide the

claimed "portable computing platform [Ortony, column 2 «lines 12-26 and 39-55» | column 3

«lines 30-48»].

Additionally, Applicant's claim 45, further limiting the portable computing platform

as a palm-size does not distinguish itself from Frese and Ortony's teachings. Ortony's

handheld device clearly is analogous to a palm-size computing platform.

4>   Applicant's arguments filed 1.20.2005 with regard to claims 40 and 41 have been fully

considered but they are not persuasive.

From reading Applicant's rebuttal of the claim rejections, Examiner believes that he

has misunderstood the basis of the rejection. Applicant is arguing in substance that the there

is no reasonable basis for combining the Myers reference with Frese and Ortony because

Frese requires "implementation by a device that is beyond the capabilities of the Palm Pilot

described by Myers" [page 12]. This is an irrelevant assertion because Myers is not the

primary reference for the basis of the rejections; Myers was not relied upon to disclose the

use of portable computer (Ortony was) but rather is utilized to disclose controlling slide

presentation services using a handheld device that was silent in the combination of Frese and

Ortony.

The issue is not whether Frese and Ortony's remote control of applications would be capable of being produced in Myers' portable device system but whether Myers' remote control of a slide presentation program would be capably implemented in Frese and Ortony's handheld device. As the combination of Frese and Ortony clearly disclose a wireless means for controlling various applications at a remote location, such an expectation would be reasonable for one of ordinary skill in the art. That is, incorporating Myers' slide presentation service into their list of applications would be obvious to one of ordinary skill in the art. The motivation to combine Frese, Ortony and Myers is to provide wireless capability and to enhance the number of services that were already available to a client. Therefore, the rejections of claims 40 and 41 and believed to be proper.

Claim Rejections - 35 USC § 103

5>   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6>   Claims 22, 24, 25, 27, 31, 35, and 37 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ortony, U.S Patent No. 6.038.595, in view of Orenshteyn, U.S Patent No. 5.889.942.

7>   As to claim 22, Ortony discloses a data processing tool for controlling an application

accessible via a network, comprising:

a console application including a user interface program, information about services,

including network addresses, in a group of services accessible via the network, and a

communication driver executing a protocol for communication of the console application

with at least one of the services in the group [column 3 «lines 18-29, 34-48 and 56-65»];

an input/output device supporting the user interface program [column 7 «lines 2-14»];

and

a communication port by which access to the network is available [column 3 «lines 27-

29»].

8>   Ortony does not disclose a tool wherein the protocol includes an exchange in which

the console application notifies a particular service in the group of services which will act as

an application host, of a set of services to be invoked.

9>   Orenshteyn discloses an exchange in which the console application notifies a

particular service in the group of services which will act as an application host, of a set of

services to be invoked [column 4 «line 65» to column 5 «line 15» | column 9 «lines 59-67»

where : Orenshteyn's directory service is among the group of services accessible to the

remote station, and hosts the other services that can be invoked by said station]. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate Orenshteyn's application host functionality into Ortony to provide a service in the group of services that enhances a client's ability to access the other services.

10>   As to claim 24, Ortony does not disclose a tool wherein the protocol includes an exchange by which the console application learns the network addressed of services in the group.

11>   Orenshteyn discloses a tool wherein the protocol includes an exchange by which the console application learns the network addressed of services in the group [column 5 «lines 8-15»]. It would have been obvious to one of ordinary skill in the art to implement Orenshteyn's address discovery method into Ortony's data processing tool to allow the user to dynamically discover the services provided within his local area network.

12>   As to claim 25, Ortony does disclose an exchange in which a particular service sends the console application a set of instructions [column 3 «lines 56-65»] but does not specifically disclose a tool wherein the protocol includes an exchange in which a particular service in the group of services sends the console application a set of user interface constructs for incorporation in the user interface program.

13>   Orenshteyn discloses a tool wherein the protocol includes an exchange in which a particular service in the group of services sends the console application a set of user interface constructs for incorporation in the user interface program [column 5 «lines 16-31»]. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Orenshteyn's user interface construct commands into Ortony's server-processing tool system to allow the particular service control over what is displayed on Ortony's data processing tool.

14> As to claim 27, Ortony discloses the data processing tool of claim 22 wherein the particular service in the group comprises an email client program [Figure 2 «item 42»].

15> As to claim 31, Ortony discloses the data processing tool of claim 22 wherein the particular service in the group comprises an internet browser service [column 5 «line 1»].

16> As to claim 35, Ortony discloses the data processing tool of claim 22, wherein the port comprises a wireless transmitter and receiver [Figure 2 «item 50»].

17> As to claim 37, Ortony discloses the data processing tool of claim 22, wherein the input/output device comprises a touch screen [column 2 «lines 43-48»].

18> Claims 26, 28-30, 32-34 and 38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ortony and Orenshteyn, in further view of an Official Notice.

19> As to claims 26, 28-30 and 32-34, Ortony discloses the use of network services for various purposes [column 5 «lines 1-2»], but does not specifically disclose all the services, as

claimed. However, services such as a slide presentation, calendar program, control of appliance, print and fax services, speech translation and room reservation function are well known in the art and not patentably distinct as they are merely fields of use. Therefore, Official Notice is taken that one of ordinary skill in the art would have reasonably implemented the aforementioned services in Ortony to provide a greater range of functionality of services available to the user.

20>   As to claim 38, Ortony discloses the use of a touch screen as an input/output device but does not specifically disclose the dimensions as claimed. Official Notice is taken that the dimension of a touch screen on a handheld device is a matter of preference, and one of reasonable skill in the art would have reasonably inferred that the touch screen would have to be at least a minimum size to fit on the handheld or portable device. Therefore, it would have been obvious to implement the size restrictions of 4 inches by 6 inches or smaller on the handheld device to keep the size of the device within the limits of portability.

21>   Claim 36 is rejected under 35 U.S.C § 103(a) as being unpatentable over Ortony and Orenshteyn, in further view of Whitehead et al, U.S Patent No. 6.085.030 ["Whitehead"].

22>   Ortony discloses a wireless link, but does not specifically disclose that it is an infrared link, or comprises an infrared transmitter and receiver.

23>   Whitehead discloses a communication link comprising an infrared link, and that its use is well known in the art [column 6 «lines 20-25»]. Therefore, it would have been obvious to one of ordinary skill to have reasonably implemented Ortony's wireless link as an infrared link as taught by Whitehead, thereby increasing the number of computing platforms with which Frese's system is compatible, most notably, infrared-enabled and wireless devices.

24>   Claims 39, 42, 44 and 45 are rejected under 35 U.S.C § 103(a) as being unpatentable over Frese, II et al, U.S Patent No. 5.909.545 ["Frese"], in view of Ortony.

25>   As to claim 39, Frese discloses a method for controlling an application executable on a particular processor coupled to a network using a computing platform, comprising:

establishing a communication link via the network between the computing platform and the particular processor [Figure 1 «items 16,20» | column 6 «lines 39-59»];

transferring a control program to the computing platform via the network, the control program including user interface constructs for generating commands for control of the application [column 4 «lines 25-32»];

transmitting commands input using the control program to the particular processor via the communication link [column 4 «lines 32-50»];

transferring the commands input using the control program to the application [column 4 «lines 32-50» | column 5 «lines 1-14»].

Frese does not explicitly disclose that the computing platform is portable.

26>   Ortony discloses a method for controlling an application executable on a particular

processor coupled to a network using a portable computing platform [column 4 «lines 13-31»].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have implemented Frese's computing platform as a portable computing platform to

increase the functionality of his invention by allowing portable devices and wireless control

of applications in his network as taught by Ortony. Frese further suggests this

implementation, disclosing that other computing platforms may be used in his network

[column 6 «lines 65-66»].

27>   As to claim 42, Frese does not disclose a method wherein the communications link

comprises a wireless link.

28>   Ortony discloses a method wherein the communications link comprises a wireless

link [column 4 «lines 23-31»]. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have implemented Frese's computing platform as a

portable computing platform to increase the functionality of his invention by allowing

portable devices and wireless control of applications in his network as taught by Ortony.

29>   As to claim 44, Frese does not disclose a method wherein the portable computing

platform includes a touch screen, and the interface constructs include graphical interface

elements accepting inputs via the touch screen.

30> Ortony discloses a method wherein the portable computing platform includes a touch screen, and the interface constructs include graphical interface elements accepting inputs via the touch screen [column 2 «lines 39-48» | column 6 «line 62» to column 7 «line 14»]. It would have been obvious to one of ordinary skill in the art to implement Ortony's portable computing platform and touch screen functionality into Frese as such it allows the user direct point and click control of the remote controlled applications.

31> As to claim 45, Frese does not disclose a portable computing platform that is palm-sized.

32> Ortony discloses a portable computing platform that is palm-sized [column 4 «lines 13-19»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented Frese's computing platform as a portable computing platform to increase the functionality of his invention by allowing portable devices and wireless control of applications in his network as taught by Ortony. Frese further suggests this implementation, disclosing that other computing platforms may be used in his network [column 6 «lines 65-66»].

33> Claims 40 and 41 are rejected under 35 U.S.C § 103(a) as being unpatentable over Frese and Ortony, in further view of Myers et al, "Collaboration Using Multiple PDAs connected to a PC" ["Myers"].

34>   As to claim 40, Frese does disclose remote execution of computer programs over a network but does not explicitly disclose a method wherein the application comprises a slide presentation application, and the commands input using the control program include commands for opening a presentation for display on a display coupled to the network, under control of the particular processor, and navigating slides within the presentation.

35>   Myers discloses a method wherein the application comprises a slide presentation application, and the commands input using the control program include commands for opening a presentation for display on a display coupled to the network, under control of the particular processor, and navigating slides within the presentation [page 6 «section titled "PowerPoint Version"»]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred and implemented a slide presentation application into Frese's remote control method as taught by Myers. One would have been motivated to perform the implementation in Frese to allow users access to existing applications such as PowerPoint.

36>   As to claim 41, Frese does disclose remote execution of computer programs over a network but does not explicitly disclose a method wherein the application comprises a slide presentation application, and the commands input using the control program include commands for editing slides within the presentation.

37>   Myers discloses a method wherein the application comprises a slide presentation application, and the commands input using the control program include commands for

editing slides within the presentation. [page 6 «section titled "PowerPoint Version"»]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred and implemented a slide presentation application into Frese's remote control method as taught by Myers. One would have been motivated to perform the implementation in Frese to allow users to control existing applications such as PowerPoint.

38>   Claim 43 is rejected under 35 U.S.C § 103(a) as being unpatentable over Frese and Ortony, in further view of Whitehead.

39>   Frese does not disclose a method wherein the communication link comprises an infrared link.

40>   Whitehead discloses a communication link comprising an infrared link, and that its use is well known in the art [column 6 «lines 20-25»]. Therefore, it would have been obvious to one of ordinary skill to have reasonably inferred an implementation of an infrared wireless network as Frese's network, thereby increasing the number of computing platforms with which Frese's system is compatible, most notably, infrared-enabled and wireless devices.
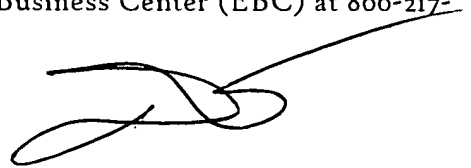
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner